

THE HONORABLE TANA LIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

ISHAN WAHI, NIKHIL WAHI, and  
SAMEER RAMANI,

Defendants.

No. 2:22-cv-01009-TL

**COINBASE, INC.'S MOTION FOR  
LEAVE TO FILE AN AMICUS BRIEF IN  
SUPPORT OF DEFENDANTS ISHAN  
WAHI AND NIKHIL WAHI'S MOTION  
TO DISMISS**

NOTE ON MOTION CALENDAR:  
March 31, 2023

COINBASE, INC.'S MOTION FOR LEAVE TO FILE  
AN AMICUS BRIEF  
CASE NO. 2:22-cv-01009-TL

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1 Coinbase, Inc. (“Coinbase”) respectfully moves for leave to file a brief as amicus curiae in  
2 the above-captioned case in support of Defendants Ishan Wahi and Nikhil Wahi’s Motion to Dis-  
3 miss (Dkt. No. 33). Counsel for the defendants have consented to this motion. Counsel for the  
4 Securities and Exchange Commission (SEC) asked to review Coinbase’s proposed amicus brief  
5 before taking a position on this motion; Coinbase declined to provide the draft brief before final-  
6 izing and filing it, and the SEC’s position on this motion is accordingly unknown. A copy of the  
7 proposed amicus brief is appended as an exhibit to this motion.

8  
9 District courts possess inherent authority and “broad discretion” to permit the filing of an  
10 amicus brief. *Wagafe v. Biden*, 2022 WL 457983, at \*1 (W.D. Wash. Feb. 15, 2022) (citing *Hop-*  
11 *towit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982)); *accord Miss. Prods., Inc. v. Cincinnati Ins.*  
12 *Co.*, 2021 WL 5305864, at \*1 (D. Or. Nov. 15, 2021) (“[T]here is no rule addressing the filing of  
13 an *amicus* brief in a district court[.]”). They often exercise that authority by “consider[ing] amicus  
14 briefs from non-parties concerning legal issues that have potential ramifications beyond the parties  
15 directly involved or if the amicus has unique information or perspective that can help the court  
16 beyond the help that the lawyers for the parties are able to provide.” *Skokomish Indian Tribe v.*  
17 *Goldmark*, 2013 WL 5720053, at \*1 (W.D. Wash. Oct. 21, 2013) (citation and quotation marks  
18 omitted); *accord Miller-Wohl Co. v. Comm’r of Labor & Indus., State of Mont.*, 694 F.2d 203, 204  
19 (9th Cir. 1982) (explaining that the “classic role” of an amicus curiae is to “assis[t] in a case of  
20 general public interest, supplemen[t] the efforts of counsel, and dra[w] the court’s attention to law  
21 that escaped consideration”). “[G]enerally courts ‘have exercised great liberality’ in permitting  
22 amicus briefs.” *El Paper LLC v. Inslee*, 2020 WL 6219353, at \*1 (W.D. Wash. Oct. 22, 2020)  
23 (quoting *California v. U.S. Dep’t of the Interior*, 381 F. Supp. 3d 1153, 1163–64 (N.D. Cal. 2019)).

24 As explained in Coinbase’s proposed brief, the SEC is alleging that three individuals—  
25 including Ishan Wahi, a former Coinbase employee—violated the securities laws by trading seven  
26 digital assets that Coinbase listed on its platform and two others that Coinbase did not list. Alt-  
27 hough aimed at three individuals, the SEC’s suit hinges on the wrong assumption that Coinbase—

1 the object of the defendants' crimes and a nonparty in this case—has unlawfully listed at least a  
2 small number of securities on its platform.

3  
4 Coinbase is well positioned to contest the SEC's view and explain its ramifications for the  
5 crypto industry. It is the largest and only publicly traded cryptocurrency trading platform in the  
6 United States and does not list any securities on its platform.

7 Coinbase therefore seeks this Court's permission to file the attached amicus brief.  
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1 Dated: March 13, 2023

Respectfully submitted,

By: /s/ Steven W. Fogg

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Attorneys for Amicus Curiae Coinbase, Inc.

**CERTIFICATION:** The above signatory also certifies that this memorandum contains  
476 words, in compliance with the Local Civil Rules